

EXHIBIT 1

Jennings, Taleah

Subject: FW: [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

From: Dale, Margaret A. <mdale@proskauer.com>

Sent: Thursday, October 7, 2021 8:37 PM

To: Jennings, Taleah <Taleah.Jennings@srz.com>

Subject: Re: [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

It's a 30b6 so there is no obligation to disclose the name in advance and We wouldn't want the subpoena to issue in the name of a particular person as that is not consistent with the rule.

Do you want to talk tomorrow? I can tell you who we are considering. Not going to be Gaurav.

Sent from my iPhone

On Oct 7, 2021, at 5:44 PM, Jennings, Taleah <Taleah.Jennings@srz.com> wrote:

This email originated from outside the Firm.

We'd like to enter a stip before we issue the subpoena, so that there's no misunderstandings. We also want to confirm the name and availability of the witness.

On Oct 7, 2021, at 5:30 PM, Dale, Margaret A. <mdale@proskauer.com> wrote:

Hello Taleah,

[REDACTED]
tomorrow.

We leave

We are talking with EY re the best person. I thought you were going to issue the subpoena for the Rule 30(b)(6) to EY (to Antoinette DeCamp, the in-house lawyer that you guys sent the Malhotra subpoena to, copying me) and as you know the Oversight Board has agreed to adopt the EY testimony as that of the Board. Can you get the subpoena out tonight? Same 6 topics and as I explained, there will be an objection to topic 1 b/c we think it is legal in nature and EY intends to make that objection as well and not put up a witness on it.

I am talking to Antoinette again tomorrow. and hope to then have availability, etc.
Margaret

Margaret A. Dale

Partner

Vice Chair, Litigation Department

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From: Jennings, Taleah <Taleah.Jennings@srz.com>
Sent: Thursday, October 7, 2021 5:11 PM
To: Dale, Margaret A. <mdale@proskauer.com>
Subject: Re: [EXTERNAL]RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

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Margaret - Hope you had a safe flight. Can you send me the name of the FOMB's 30b6 designee from EY, and his or her availability. If there's someone else I should contact about this, please let me know.

Thanks,
Taleah

On Oct 6, 2021, at 7:25 AM, Dale, Margaret A. <mdale@proskauer.com> wrote:

We'll be available.
Thx.

Sent from my iPad

On Oct 5, 2021, at 8:50 PM, Arturo J. Garcia
<Ajg@mcvpr.com> wrote:

This email originated from outside the Firm.

Dear Margaret,

Suffice it to state that we do not agree with the characterization of the facts as set forth in your email below. We can only agree to disagree. I suggest a meet and confer tomorrow after Ms. Jaresko's deposition to comply with the Procedures Order, after which we will proceed to bring the matter to the Court.

Thanks,

Arturo

Arturo J. Garcia Managing Director
Ajg@mcvpr.com
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270 Muñoz Rivera Ave. San Juan, Puerto Rico 00918

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From: Dale, Margaret A. <mdale@proskauer.com>

Sent: Tuesday, October 5, 2021 8:14 PM

To: Arturo J. Garcia <Ajg@mcvpr.com>; Mott, Thomas L.

<Thomas.Mott@srz.com>; Alejandro J. Cepeda Diaz

<Ajc@mcvpr.com>; Nayuan Zouairabani Trinidad

<nzt@mcvpr.com>; Carmen D. Conde Torres

<condecarmen@condelaw.com>; Jennings, Taleah

<Taleah.Jennings@srz.com>; Lizzie M. Portela

Fernández <Lpf@mcvpr.com>; Douglas S. Mintz

<douglas.mintz@srz.com>; Douglas Koff

<douglas.koff@srz.com>; Abbey Walsh

<abbey.walsh@srz.com>; Peter J. Amend

<peter.amend@srz.com>

Cc: Mungovan, Timothy W.

<tmungovan@proskauer.com>; Mervis, Michael T.

<MMervis@proskauer.com>; Stafford, Laura

<lstafford@proskauer.com>; Sosa, Javier F.

<Jsosa@proskauer.com>; Ovanesian, Michelle M.

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<MFirestein@proskauer.com>; Hermann Bauer

(Hermann.Bauer@oneillborges.com)

<Hermann.Bauer@oneillborges.com>; Carla García-

Benítez <Carla.Garcia@oneillborges.com>; Dale,

Margaret A. <mdale@proskauer.com>

Subject: RE: [EXTERNAL]RE: DRA Parties Rule 30(b)(6)

Notice to FOMB - Responses and Objections

Dear Arturo,

The DRA Parties can make whatever choices you decide vis-à-vis Ms. Jaresko's deposition. Ms. Jaresko is the Executive Director of the Board and is the most knowledgeable person at the Board to answer the

topics in the Rule 30(b)(6) notice. You rejected our suggestion regarding EY and demanded that we produce someone from the Board to answer the topics. We have done so and in fact responded to your demand in less than 4 hours. Ms. Jaresko will not be produced again voluntarily so if you choose not to ask her questions on the topics in DRA's Rule 30(b)(6) notice, you do so with knowledge of the Board's position and the risk inherent in that choice. Thanks.
Margaret

Margaret A. Dale

Partner
Vice Chair, Litigation Department

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Please consider the environment before printing this email.

From: Arturo J. Garcia <Ajg@mcvpr.com>
Sent: Tuesday, October 5, 2021 7:25 PM
To: Dale, Margaret A. <mdale@proskauer.com>; Mott, Thomas L. <Thomas.Mott@srz.com>; Alejandro J. Cepeda Diaz <Ajc@mcvpr.com>; Nayuan Zouairabani <nzt@mcvpr.com>; Carmen D. Conde Torres <condecarmen@condelaw.com>; Jennings, Taleah <Taleah.Jennings@srz.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Douglas S. Mintz <douglas.mintz@srz.com>; Douglas Koff <douglas.koff@srz.com>; Abbey Walsh <abbey.walsh@srz.com>; Peter J. Amend <peter.amend@srz.com>
Cc: Mungovan, Timothy W. <tmungovan@proskauer.com>; Mervis, Michael T. <MMervis@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Sosa, Javier F. <Jsosa@proskauer.com>; Ovanesian, Michelle M. <MOvanesian@proskauer.com>; Levitan, Jeffrey W. <JLevitan@proskauer.com>; Barak, Ehud <ebarak@proskauer.com>; Rosen, Brian S. <brosen@proskauer.com>; Possinger, Paul V. <ppossinger@proskauer.com>; Alonzo, Julia D.

<jalonzo@proskauer.com>; Rappaport, Lary Alan
<LRappaport@proskauer.com>; Triggs, Matthew
<MTriggs@proskauer.com>; Firestein, Michael A.
<MFirestein@proskauer.com>; Hermann Bauer
(Hermann.Bauer@oneillborges.com)
<Hermann.Bauer@oneillborges.com>; Carla García-
Benítez <Carla.Garcia@oneillborges.com>

Subject: RE: [EXTERNAL]RE: DRA Parties Rule 30(b)(6)
Notice to FOMB - Responses and Objections

This email originated from outside the Firm.

Dear Margaret,

Thank you for your response. Please be advised that the DRA Parties will proceed to take Ms. Jaresko's deposition only as to the topics disclosed in the Debtors' Amended List of Witnesses, Dkt. 18094, as set forth in her Notice of Deposition, and agreed and jointly informed to the Court on October 1, 2021 (Dkt. 18401). As you know, I had a number of conversations with Michael Firestein and you last Friday afternoon on the Jaresko Deposition, and the Joint Informative Motion reflected our agreement on the same. Due respect, the FOMB's belated designation of Ms. Jaresko as its Rule 30(b)(6) witness and presumption that the deposition be taken less than 24 hours later is simply unacceptable. Therefore, please provide another date for the Rule 30(b)(6) deposition of Ms. Jaresko as tomorrow the deposition will be only with respect to the topics included in the Notice of Deposition.

Thanks,

Arturo

<[image001.gif](#)>

Arturo J. Garcia

Managing Director

<[image002.gif](#)>

<[image002.gif](#)>

<[image003.gif](#)>

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From: Dale, Margaret A. <mdale@proskauer.com>

Sent: Tuesday, October 5, 2021 2:22 PM

To: Mott, Thomas L. <Thomas.Mott@srz.com>; Arturo J.

Garcia <Ajg@mcvpr.com>; Alejandro J. Cepeda Diaz

<Ajc@mcvpr.com>; Nayuan Zouairabani Trinidad

<nzt@mcvpr.com>; Carmen D. Conde Torres
<condecarmen@condelaw.com>; Jennings, Taleah
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Fernández <Lpf@mcvpr.com>; Douglas S. Mintz
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<abbey.walsh@srz.com>; Peter J. Amend
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Cc: Mungovan, Timothy W.

<tmungovan@proskauer.com>; Mervis, Michael T.
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<lstafford@proskauer.com>; Sosa, Javier F.
<Jsosa@proskauer.com>; Ovanesian, Michelle M.
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Benítez <Carla.Garcia@oneillborges.com>; Dale,
Margaret A. <mdale@proskauer.com>

Subject: [EXTERNAL]RE: DRA Parties Rule 30(b)(6)
Notice to FOMB - Responses and Objections

Dear Tom,
Thanks for getting back to us.

Regarding the Rule 30(b)(6) notice to the Oversight Board, given the DRA Parties' position and to avoid a further dispute and the time, effort and expense that would be wasted, Ms. Jaresko will be the Board's designee for Topics 2-6 and will answer on those topics at her deposition tomorrow. We withdraw our objection to Topics 5 and 6. We stand on our objection to Topic 1. We are available tonight at 6:30 pm or later if you'd like to meet and confer regarding Topic 1.

We will get back to you regarding Mr. Herriman.
Thanks.
Margaret

Margaret A. Dale
Partner
Vice Chair, Litigation Department

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From: Mott, Thomas L. <Thomas.Mott@srz.com>
Sent: Tuesday, October 5, 2021 10:54 AM
To: Dale, Margaret A. <mdale@proskauer.com>; Arturo J. Garcia-Sota <ajg@mcvpr.com>; 'Alejandro J. Cepeda Diaz' <Ajc@mcvpr.com>; Nayuan Zouairabani <nzt@mcvpr.com>; Carmen D. Conde Torres <condecarmen@condelaw.com>; Jennings, Taleah <Taleah.Jennings@srz.com>; Lizzie M. Portela Fernández <Lpf@mcvpr.com>; Douglas S. Mintz <douglas.mintz@srz.com>; Douglas Koff <douglas.koff@srz.com>; Abbey Walsh <abbey.walsh@srz.com>; Peter J. Amend <peter.amend@srz.com>
Cc: Mungovan, Timothy W. <tmungovan@proskauer.com>; Mervis, Michael T. <MMervis@proskauer.com>; Stafford, Laura <lstafford@proskauer.com>; Sosa, Javier F. <Jsosa@proskauer.com>; Ovanesian, Michelle M. <MOvanesian@proskauer.com>; Levitan, Jeffrey W. <JLevitan@proskauer.com>; Barak, Ehud <ebarak@proskauer.com>; Rosen, Brian S. <brosen@proskauer.com>; Possinger, Paul V. <ppossinger@proskauer.com>; Alonzo, Julia D. <jalonzo@proskauer.com>; Rappaport, Lary Alan <LRappaport@proskauer.com>; Triggs, Matthew <MTriggs@proskauer.com>; Firestein, Michael A. <MFirestein@proskauer.com>; Hermann Bauer (Hermann.Bauer@oneillborges.com) <Hermann.Bauer@oneillborges.com>; Carla García-Benítez <Carla.Garcia@oneillborges.com>
Subject: RE: DRA Parties Rule 30(b)(6) Notice to FOMB - Responses and Objections

This email originated from outside the Firm.

Margaret, Laura –

Following up on our discussion yesterday concerning Mr. Herriman and the Rule 30(b)(6) issue:

Mr. Herriman

We have considered your position with respect to Mr. Herriman, but would need to understand a bit more about his expected testimony before deciding to withdraw his deposition notice. We therefore request a written description of what you expect him to proffer during the proceedings.

Additionally, please let us know when we can expect an answer to our request for the identification of a witness with knowledge concerning the ~\$6.2 billion figure for CW/HTA Claims set forth in Section 2.2(a) of the Plan.

Rule 30(b)(6) of FOMB

Pursuant to Rule 30(b)(6), we request a meet and confer on the topics in the notice. We can discuss the subpoena issue further on that call, and want to do our best to cooperate pragmatically. However, currently we do not think a subpoena directed at EY to elicit 30(b)(6) testimony on behalf of the FOMB would be appropriate. The DRA Parties served a Rule 30(b)(6) notice to the FOMB and the onus is on the FOMB to designate the person(s) that will testify on its behalf. A proper Rule 30(b)(6) designee must "consent to testify on [FOMB's] behalf," and a subpoena would therefore run counter to the rule.

We are available to discuss today after 4:30pm ET.

Thanks,
Tom

Thomas L. Mott
Associate
212.756.2049

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From: Dale, Margaret A. <mdale@proskauer.com>
Sent: Sunday, October 3, 2021 8:49 PM
To: Arturo J. Garcia-Sota <ajg@mcvpr.com>; 'Alejandro J. Cepeda Diaz' <Ajc@mcvpr.com>; Nayuan Zouairabani <nzt@mcvpr.com>; Carmen D. Conde Torres <condecarmen@condelaw.com>; Mintz, Doug <Douglas.Mintz@srz.com>; Koff, Douglas <Douglas.Koff@srz.com>; Walsh, Abbey <Abbey.Walsh@srz.com>; Amend, Peter <Peter.Amend@srz.com>; Mott, Thomas L. <Thomas.Mott@srz.com>
Cc: Mungovan, Timothy W. <tmungovan@proskauer.com>; Mervis, Michael T.

<MMervis@proskauer.com>; Stafford, Laura
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<MFirestein@proskauer.com>; Hermann Bauer
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<Hermann.Bauer@oneillborges.com>; Carla García-
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Subject: DRA Parties Rule 30(b)(6) Notice to FOMB -
Responses and Objections

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Good evening Counsel,
Regarding the Rule 30(b)(6) notice served by the DRA
Parties on the Oversight Board, attached for service are
responses and objections thereto.
Because EY is best situated to respond to the topics for
which the Oversight Board is willing to designate a
witness, we'd ask the DRA Parties to serve a subpoena
on EY for the topics, and the Oversight Board will be
bound by the testimony provided by EY on the topics.
We are available to discuss this tomorrow.
Thanks.
Margaret

Margaret A. Dale
Partner
Vice Chair, Litigation Department

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